

**ACUPUNCTURE BOARD**

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(Approved November 28, 2001)

## **ACUPUNCTURE BOARD MEETING MINUTES**

**August 20-21, 2001  
 U.S. Grant Hotel  
 San Diego, Ca. 92101**

### **Full Board Meeting August 20, 2001**

**MEMBERS PRESENT**

Shari Asplund, Chair  
 Howard Moffet, Vice Chair, L.Ac.  
 Pei Li Zhong-Fong, L.Ac.  
 Gary Klapman, M.D., L.Ac.  
 Justin Tin, D.D.S.  
 Min M. Chang  
 Joan C. Chang, L.Ac.  
 Michael Eng

**STAFF PRESENT**

Marilyn Nielsen, Executive Officer  
 Don Chang, Legal Counsel  
 Janelle Wedge, Administrative Coordinator  
 Kerry Hartsough, Enforcement Coordinator  
 Nancy Molinar, Education Coordinator  
 Christie Dohring, Examination Coordinator  
 Robin Saenz, Education Technician  
 Helen Gathercole, Administrative Technician

**MEMBERS ABSENT****GUEST LIST ON FILE**

1. **Call to Order and Establishment of a Quorum**  
 Chair Shari Asplund called the Acupuncture Board meeting to order at approximately 9:15 a.m. Roll was taken and a quorum established.
2. **Ethics Orientation for State Officials**  
 Ms. Asplund welcomed new members to the Acupuncture Board, introduced Min Mae Chang and Joan Chang, and announced there would be an Ethics Orientation presented by Travis McCann, Manager DCA Training and Development Services. Marilyn Nielsen advised Don Chang, legal counsel, would address or clarify any questions or concerns.
3. **Lunch Break**
4. **Title 16, California code of Regulations, Section 1399.456- Use of Title "Doctor"**
  - a. **O.M.D/D.O.M.**  
 Don Chang explained the issues using the professional title Doctor of Oriental Medicine. Under existing law, licensed acupuncturists who have obtained a doctorate degree in oriental medicine issued from a school not approved by the California Bureau of Private Post Secondary and Vocational Education (BPPVE) and Acupuncture Board, cannot advertise or use the title "Doctor of Oriental Medicine" or O.M.D./D.O.M. Licensed acupuncturists who have earned their doctorate degree outside of California argue that they are not receiving equal treatment. Legislative Counsel concluded that the first paragraph of Section 1399.456 would be declared invalid by a court as violating the equal

protection clauses of the U.S. and California constitutions (for treating those whose doctorate degrees are from out-of-state differently than those who are similarly qualified but whose doctorate degrees are from an approved educational California institution). A proposed regulatory change would amend this section to allow licensed acupuncturists who have obtained their doctorate degree from an accredited, approved or authorized educational institution outside of California to use the title O.M.D./D.O.M. Mr. Doug Ring, representing Dr. Xiuling Ma, a licensed acupuncturist, indicated that as best as he could reconstruct in 1988 the Attorney General issued an opinion that acupuncturists could not use the professional abbreviation O.M.D./D.O.M. He explained that Xiuling Ma has had twelve years of undergraduate, graduate and postgraduate studies in acupuncture. Because of her extensive education and experience in integrated TCM and western medicine in China, Dr. Ma was employed to practice at Cedars-Sinai Medical Center and Daniel Freeman Hospitals. Because she has received a "Cease and Desist" letter from the enforcement program, Mr. Ring has requested that the Board re-initiate the process of an equivalency procedure enacted by the Legislature to permit those individuals who were trained at facilities outside the United States to legally use the appropriate professional titles, and to abate the enforcement against Dr. Ma. Mr. Eng had concerns in regards to Dr. Ma's continuous use of this title, pending review of Section 1399.456. Mr. Ring indicated that Dr. Ma uses the abbreviation Ph.D., because she has this degree, and wishes to use the O.M.D./D.O.M. abbreviation as she teaches T.C.M. most of the time.

**Public Comment:**

Michael Barnett holds an O.M.D. from Golden State University of San Francisco, and his patients have never expressed a concern over his using the title of O.M.D. Mark Alexander Wolf, attorney representing Susan Burk, addressed the Board. Ms. Burk has a degree from Hong Kong, but because the school is no longer operating and no records are available she has received a "cease and desist" notice from the Acupuncture Board. Mr. Wolf requested a "grandfather clause" allowing those who possess foreign O.M.D. degrees to maintain their title. Susan Burk indicated she has been practicing for thirteen years and now has received a "cease and desist". Ms. Burk indicated there should be a "grandfather clause" for those that have been practicing with the degree from out of state schools. Liza Goldblatt from Oregon College of Oriental Medicine adds that the field is unique and confusing to patients and the Council of Colleges has been discussing this issue extensively for public awareness. The issue should be how the title is earned or acquired, i.e., earned degrees versus licensed degrees and how this title is conveyed to the public. Ron Sokolsky from South Baylo University indicated the importance of looking into the schools and curriculum required for these doctorate degrees and the quality of the education, not just the degrees. Tom Haines from Pacific College of Oriental Medicine (PCOM) stated there is no accredited O.M.D. program approval, only BPPVE approved and that the Acupuncture Board needs to recognize earned O.M.D.'s versus approved O.M.D.'s.

**HOWARD MOFFET MOVED AND JUSTIN TIN  
SECONDED THE MOTION TO PROCEED WITH  
A REGULATORY NOTICE AMENDING CCR  
SECTION 1399.456 TO ALLOW THE USE OF A  
DOCTORATE DEGREE TITLE EARNED FROM  
AN ACCREDITED, APPROVED OR AUTHORIZED  
EDUCATIONAL INSTITUTION.**

**MOTION PASSED UNANIMOUSLY**

**Public Comment:** Doug Ring stated this issue with O.M.D./D.O.M., have a profound effect on the people who practice in this state. Mr. Ring urged the Board to delay making a decision until an opportunity for a public hearing on the specific issues. Liza Goldblatt clarified the national doctorate will have one trademark title and will be released to all state licensing boards when finalized. Susan Burke required clarification.

Don Chang advised the Board that in light of Legislative Counsel opinion, they might want to adopt a policy of suspending enforcement of this regulation if a licensee has an OMD until the regulation issue is resolved. He further indicated staff would continue to enforce this regulation if a licensee does not have a doctorate degree.

**MICHAEL ENG MOVED AND HOWARD MOFFET  
SECONDED THAT PENDING A PUBLIC HEARING  
ON THE REGULATION AMENDMENT, TO HOLD  
ENFORCEMENT OF THE OMD ISSUE IN ABEYANCE  
IF THE LICENSEE HAS SOME KIND OF OMD AND  
IF NONE, CONTINUE TO ENFORCE.**

**MOTION PASSED UNANIMOUSLY**

**5. Enforcement Business – (Discussion/Action)**

**A. Current Enforcement Cases**

Ms. Nielsen reviewed the updated year end report and Mr. Eng asked Kerry Hartsough, Enforcement Coordinator, to explain the term “unprofessional conduct”. Ms. Hartsough indicated that the majority of cases have involved massage parlor prostitution activity, also other cases include improper advertising and personal ethics. Ms. Hartsough explained the board receives complaints from the public and other State agencies, Federal Bureau of Investigation, Department of Justice, and insurance companies and frequently complaints involve more than one violation category.

**B. Federation of Acupuncture and Oriental Medicine Regulatory Agencies**

Ms. Nielsen recommended board members to attend the FAOMRA meeting on November 7 and 8, 2001, in San Francisco. The issue pertaining to licensees having the ability to move from state to state and have open boundaries is an agenda item to discuss. Mr. Moffet and Min Mae Chang expressed an interest in attending.

**6. Presentation of Recognition Awards:**

Ms. Asplund recognized the following former board members and exam liaison for their past dedication, service and contributions to the Board and the profession and presented them with a plaque.

- a. Former Board Member: Marguerite Hung, O.M.D., L.Ac.**
- b. Former Board Vice-Chair: Lloyd Wright, L.Ac.**
- c. Former Exam Liaison: John Kolenda, L.Ac.**
- d. Former Board Chair: Jung "John" Min Kim, O.M.D., L.Ac.**

**7. Public Comment Period:**

Ron Sokolsky from South Baylo University stated that not all foreign schools teach at the same level as Board approved schools. Mr. Sokolsky requested the board to reevaluate foreign equivalency.

**8. Adjournment**

The Acupuncture Board meeting adjourned at approximately 3:15 p.m.

## 9. EDUCATION COMMITTEE MEETING

### MEMBERS PRESENT

Howard Moffet, Chair, L.Ac.  
Pei Li Zhong-Fong, Vice Chair, L.Ac.  
Shari Asplund  
Gary Klapman, M.D., L.Ac.  
Justin Tin, DDS  
Michael Eng  
Min M. Chang

### STAFF PRESENT

Marilyn Nielsen, Executive Officer  
Don Chang, Legal Counsel  
Janelle Wedge, Administrative Coordinator  
Kerry Hartsough, Enforcement Coordinator  
Nancy Molinar, Education Coordinator  
Christie Dohring, Examination Coordinator  
Robin Saenz, Education /Enforcement Technician  
Helen Gathercole, Administrative Technician

### MEMBERS ABSENT

None

### GUEST LIST ON FILE

- a. **Call to Order and Establishment of a Quorum**  
Chair Howard Moffet called the Education Committee Meeting to order at approximately 3:15 p.m. Roll was taken and a quorum established.
- b. **School Application/Approval Process**  
**1. Bureau of Private Postsecondary and Vocational Education (BPPVE)**  
**Presentation by :Marcia Trott, Postsecondary Education Analyst**  
Ms. Trott explained the approved process for degree granting institutions. This consists of a review process to ensure quality and integrity exists. Protocols for a visiting approval committee representing the BPPVE were explained. The site reviews are scheduled over two days. The complexity and diversity of the curriculum, number of degree levels, and number of locations and size of the school, affect the actual length of the visit. The committee report is a clear and concise assessment of their findings based upon the site review. The report is the foundation for the recommendation for approval to operate as a degree-granting institution. The Director reviews the report, recommendation, and reconciliation, and final decisions are made.
- 2. Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM)**  
**Presentation by Penelope Ward, Director, Professional Services**  
Ms. Ward reported that accreditation is a process of external peer review in which a private, non-governmental organization grants public recognition to an institution, or program, that meets certain established and nationally accepted standards for quality education and training. This is used throughout higher education for specialized professional education and assures institutions and programs meet basic standards of education. These programs must support their educational objectives and curriculums and must provide assurances to the public and regulatory boards that training results in safe and effective practice. The U.S. Department of Education has recognized ACAOM in accreditation for the field of acupuncture and oriental medicine since 1989, and in 2000 its recognition was renewed for the maximum five-year period that can be granted. There are nine commissioners who establish and approve ACAOM policies, procedures, accreditation standards and decisions. The accreditation process involves two steps, gaining candidacy with fourteen essential requirements that ACAOM uses to evaluate the institutions and their programs, and that the program is capable of completing the self-study process required for accreditation. When granted candidacy status, it is given a three-year period in which to undertake a “self study” and to achieve full accreditation. These requirements are in the areas of Purpose & Educational Objectives, Legal Organization, Governance, Administration, Records, Admission, Program Evaluation, Program Curriculum, Faculty, Library, Finances, Student Services, Facilities and Publications. Under each are a number of criteria articulating the Commission’s specific

requirements expected for adequate educational programs needed to meet the standards. The maximum period of accreditation is five years, after which the program repeats the self-study process including a full team site visit. Ms. Ward suggested the Board consider utilizing candidacy for accreditation as part of the school approval process. This would enable the Board to achieve its objective of assuring that the school has undergone a full review, without conducting its own on site inspections across the country. The Board might require that all programs hold candidacy status, or it might want to utilize the accreditation process. The Board and committee opened the floor for discussion and questions, concerning the cost/fees. Ms. Ward indicated that fees are generated through applications and school's accreditation sustaining fees and annual fees. The Board received a letter from an organization stating they protest the support that ACAOM gives to lower education requirements. Ms. Ward refuted the statement, indicating the accreditation commission only set minimum standards, not maximum standards. Ms. Zhong-Fong asked how many schools are accredited and how many have candidacy. Ms. Ward stated that there are thirty-eight accredited and nine in candidacy, which takes three years. Ms. Ward replied the Site Team Commission reviews only the material from the visit based on the fourteen essential requirements. The total hours for ACAOM's training standards are two thousand one hundred and seventy-five hours. .

**Public Comment Period:**

Liza Goldblatt, Council of Colleges, indicated the issue of finances has been raised with ACAOM. The Council has also recommended to ACAOM that they re-evaluate its approval criteria and required curriculum hours. She indicated that ACAOM evaluates an institutions program in a depth that BPPVE and the Board could not. She suggested the Board should consider partnering with ACAOM for school accreditation and that ACAOM ensures the schools meet the state standards in their state.

**The Education Committee meeting adjourned at approximately 5:30 p.m.**

**The Acupuncture Board meeting adjourned at approximately 5:30 p.m.**

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(Approved November 28, 2001)



## **ACUPUNCTURE BOARD MEETING MINUTES**

**August 20-21, 2001**

**U.S. Grant Hotel**

**San Diego, Ca. 92101**

**Full Board Meeting  
August 21, 2001**

### **MEMBERS PRESENT**

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### **MEMBERS ABSENT**

### **GUEST LIST ON FILE**

1. Chair Shari Asplund called the Acupuncture Board meeting to order at approximately 9:05 a.m. Roll was taken and that a quorum was established.

2. **CLOSED SESSION:** Pursuant Government Code Section 11126(c) (1) and (c)(3), to discuss/take action on examination administration and disciplinary actions.

3. **Chair's Report – Shari Asplund**

Ms. Asplund welcomed Lynn Morris, Deputy Director of Board Relations, DCA, and the two new board members, Min Mae Chang and Joan Chang, L.Ac. The new board members gave a brief introduction and history of themselves. Ms. Asplund said she appreciated the work the staff has done, and expressed her interest in strengthening enforcement legislation. A press release was issued in July, stating the Board will not tolerate the illegal use of the acupuncture licenses for illicit purposes in massage parlors. The Competencies and Outcomes Task Force was established with participants from schools, the Board, and the profession, to review competencies and establish curriculum standards. Ms. Asplund discussed the Sunset Review report and said the Strategic Planning meeting was approaching and that the Board will continue to protect California consumers and promote acupuncture.

**3. Chair's Report – Shari Asplund**

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**4. Executive Officer's Report – Marilyn Nielsen**

Ms. Nielsen congratulated Pei Li Zhong-Fong and Michael Eng on their confirmation by the Senate Rules Committee. Howard Moffet and Gary Klapman are scheduled for their hearing on August 27, 2001. Ms. Nielsen updated the corrected terms for the appointed board members, which came from the Governor's Office. The Board's Website license "look-up" status, and information "hits" have increased progressively since last year. Ms. Nielsen reported she served as a panel member at the California State Oriental Medical Association conference held in San Francisco. The panel discussed acupuncture and oriental medicine issues on a state and national level and statutory changes that have occurred across the country. Ms. Nielsen advised the Board of the distribution of the press release to the news media, as well available on the Board's Website. The press release will also be included in the newsletter currently in progress to the licensees.

5. **Approval of May 21-22, 2001 Meeting Minutes**  
Minutes to be amended for board members review.

6. **Examination Business (Discussion/Action)**

a. **June 20, 2001 Written Licensing Examination**

Ms. Asplund indicated her concerns regarding the tutorial pass percentage rate, which is still low, and felt this program needs to be reviewed; Ms. Nielsen concurred. Ms. Zhong-Fong asked to be provided with a detailed and more specific explanation of which topics the examination covers. Dr. Hertz from the Office of Examination Resources (OER) responded that the information could be attained through the examination plan, candidate preparation guide and Board's Website as well as public documents. Ms. Zhong-Fong had concerns in reference to the new 200-question exam (175 scorable and 25 non-scorable items) and asked within the percentage defined on the exam plan, what questions apply to what categories. Dr. Hertz indicated in a previous presentation he provided the members with a report regarding the number of questions on the examination, how the exam is measured by the reliability known as co-efficient alpha, and the validity as it related back to the occupational analysis. Ms. Zhong-Fong requested OER submit a copy of the document on which he based his recommendation that 175 scorable items was adequate. Dr. Hertz indicated there is no single document stating how many questions should be on the exam. Ms. Asplund questioned OER's statistical process used to make such a determination. Dr. Hertz indicated through co-efficient alpha measures a cross performance with those candidates that do well and those that do not do well on the examination.

**Public Comment:** Ron Sokolsky, South Baylo University stated that the discussion should be based on the quality, not the quantity of questions. He also questioned that considering the groups of the subject matter experts used from one exam to another are different, how can there be any consistency from one exam to the next? He added Tom Haines, PCOM, indicated the content input from the schools has been significant and the general response from the candidates was the quality of the questions has been good.

b. **Language of Acupuncture Licensing Examination**

Ms. Asplund announced that Dr. Hertz has informed the Acupuncture Board that OER can no longer support adapting the licensing examination into the Chinese and Korean languages. The Chair asked Lynn Morris, DCA, to present DCA's position on the issue of language. Ms. Morris indicated DCA supports public input and does not have a position at this time. She also commented that there are many opinions to be considered and the department must take OER's opinion seriously. OER is the measuring device, which all the boards rely upon for their scientific measurement/analysis. Ms. Morris will offer the department as support to work with the board on this issue.

**Public Comment:** Jerome Jiang, Dongguk-Royal University (DRU), appealed to keep the exam in Chinese and Korean language. Lauren Leung, South Baylo University (SBU) stated the essence of the profession is in Chinese and asks that it not be restricted to an English only exam. James Wong, SBU, stated he understands the need for public safety, but an English only exam would limit the education and communication with the Chinese teachers. Louis Fong, DRU, from Hong Kong and a dental technician, stated the Chinese language would be more valuable. Ron Sokolsky, SBU, referenced OER's memo dated February 13, 2001, and stated he has never read an issue on a death or incident due to a language barrier. He stated the time frame to implement an English only exam of July 2002, as stated in OER's June 7, 2001 memo, is unrealistic and does not allow enough time for the education profession to change their programs. Florence Wang, SBU, opposes the English only exam. Katharine Lowe, DRU, opposes English only exam. Yenyi Chen, DRU, opposes an English only exam. Kyle Wong, DRU, supports taking exam in any language and opposes English



only. Neal Miller stated that an English only exam is limited and the acupuncture profession origination is unique. If there is a translation problem, then do what is necessary to provide adequate translation. If California is heading towards an English only exam; a one-year phase-in is an inadequate time frame.

**Board Discussion:**

Michael Eng opened the discussion with his comments on the issue of fairness to the candidate and assessing the impact to the consumer. Mr. Eng discussed the fairness to the candidates taking the exams and he does promote more English in society, however, the market determines whether someone would learn English. In Section 4926, legislation was enacted to remove barriers, rather than create more. The recommendation from OER must be considered. The Board wants a fair exam with results that are academically and legally defensible. Mr. Eng requested Dr. Hertz submit to the Board, copies of the documents or information which he used to draw his conclusion and that would adequately substantiate his position to the Board. Mr. Eng recommended that the Board study OER's decisions of an English test and the impact on the legal mandate of the Board. Mr. Eng suggested the Board contract with a substitute to take over the OER's adapting responsibilities commencing with the 2002 exams.

**MICHAEL ENG MOVED AND PEI LI ZHONG-FONG  
SECONDED TO REQUEST COPIES OF THE SUPPORTING  
DATA FROM OER AND TO HAVE APPROPRIATE  
PERSON STUDY THE ISSUES RAISED BY OER IN JUNE 7,  
2001 MEMORANDUM AND MAKE RECOMMENDATIONS  
BACK TO THE BOARD.**

**MOTION PASSED UNANIMOUSLY**

**MICHAEL ENG MOVED AND PEI LI ZHONG-FONG  
SECONDED TO AUTHORIZE THE EXECUTIVE OFFICER  
TO SECURE ANOTHER CONTRACTOR TO PROVIDE  
ADAPTING SERVICES TO THE BOARD IF OER REFUSES  
TO PROVIDE ADAPTING SERVICES ON THE LICENSING  
EXAM.**

**MOTION PASSED UNANIMOUSLY**

**Comments:**

Ms. Morris indicated DCA wants to work with the Board to review all options and move forward. She expressed her appreciation for Mr. Eng's motion and said DCA will participate and lend support to resolve this issue. Mr. Moffet indicated a fair notice is needed far in advance for exam changes. Dr. Hertz committed that OER would be willing to extend the cutoff date of adapting the exam as long as the Board continues to evaluate and discuss this issue and come to some conclusion in a reasonable period of time.

**c. 2001 Occupational Analysis**

Dr. Hertz reported all data has been collected and the last workshop completed. Exam specifications and final occupational analysis data will be presented to the Board for their approval at the November meeting. Once approved, the new exam plan will be implemented

by the June 2002 exam.

**7. Education Business – (Discussion/Action)**

**a. School Site Re-Visit – University of East West Medicine, Sunnyvale, California**

Ms. Nielsen introduced Ying Wang, President, Jerry Wang, Director of Administrative Affairs, and Gretchen Lantz, Registrar from the University of East West Medicine (UEWM). The report submitted from UEWM was not current. In addition, the Board had several concerns regarding the issues in the report. The University's report did not respond to the concerns in the site visit report dated May 1, 2001. Mr. Eng suggested staff prepare a checklist for UEWM to follow, which would insure full understanding of what the Board is requesting. Jerry Wang indicated approximately 99% of the issues of concern had been completed. The Board requested UEWM to prepare a current report recapping and defining the issues, and to respond to concerns of the May 1, 2001, site visit report. Legal counsel suggested the Board could vote to extend the conditional approval of UEWM.

**MICHAEL ENG MOVED AND JUSTIN TIN SECONDED TO DELEGATE AUTHORITY TO THE EXECUTIVE OFFICER TO GRANT APPROVAL TO UEWM, IF IT IS DETERMINED THAT UEWM HAS COMPLIED WITH ALL ISSUES RAISED IN THE MAY 1, 2001 SITE VISIT REPORT OR, IF NECESSARY, TO GRANT A 3-MONTH EXTENSION TO COMPLETE THIS REVIEW PROCESS AND RETURN THE ITEM TO THE BOARD AT THE NOVEMBER MEETING.**

**MOTION PASSED UNANIMOUSLY.**

The board requested a complete and current update from UEWM. Ms. Nielsen will issue a letter to UEWM with the exact concerns identified and the deadline for submittal.

**b. School Approval & Site Visit Report – Southwest Acupuncture College, Boulder CO**

Ms. Nielsen introduced Valerie Hobbs, Campus Director of the Boulder Branch and reported that she and former Board member Lloyd Wright, L.Ac., conducted the site visit. She reported on the Master of Science in Oriental Medicine Degree program, stating the identical program and content is taught at all three campuses, in Santa Fe and Albuquerque, New Mexico and Boulder, Colorado. Southwest is a for-profit corporation owned by Anthony Abbate and Skya Gardner-Abbate. The State of Colorado has granted their approval on the basis of an on-site review by any accrediting association recognized by the U.S. Department of Education.

ACAOM conducted the site visit and authorized the school to operate in Colorado under the Degree Authorization Act (23-101 *et seq.*, CRS), Category I. Ms. Nielsen briefly described the governance of Southwest, the campus facility, Master's Degree programs, admissions and transfer policies. She continued to describe the student population, curriculum, clinical programs, the faculty, library and financial resources with evidence of continued growth and solvency.

**HOWARD MOFFET MOVED AND GARY KLAPMAN SECONDED TO GRANT FULL APPROVAL OF SOUTHWEST ACUPUNCTURE COLLEGE'S MASTER OF SCIENCE IN ORIENTAL MEDICINE DEGREE PROGRAM AT THE BOULDER, COLORADO CAMPUS.**

## **MOTION PASSED UNANIMOUSLY**

**c. Update on New School Application and Pending Site Visits.**

Ms. Nielsen reported on pending site visits scheduled for conclusion before the end of the year. Nineteen requests for school applications have been received to date.

**d. Report on July 23, 2001, Competencies and Outcomes Task Force Meeting in LA**

Gary Klapman, Chair, reported the next Competencies and Outcomes Task Force meeting is scheduled for September 21, 2001, at Samra University in Los Angeles.

**Public Comment:**

Neal Miller requested the notes of the last task force meeting. Dr. Klapman said there are no written notes of the meeting at this time and they will be available for the task force members by the next meeting. Dr. Klapman indicated that legal counsel would be attending the next meeting.

**e. Report/Action Education Committee Meeting Held on August 20, 2001**

This report will be held until a later date.

**8. Administrative Business – (Discussion/Action)**

**a. Acupuncture and Addiction Treatment Issues**

Mr. Moffet gave a brief summary of some of his findings during an investigation. He found out how little the practice of acupuncture is being used as treatment. Mr. Moffet had invited Jeannie Corso, L.Ac., from Community Connections local drug treatment program in Southern California, to report to the Board on the uses and services that it can provide. Ms. Corso indicated the diversification the acupuncture field provides against addiction with behavior, social and genetic antecedents. Patients found improvement resulting from treatment and the response has been positive.

**b. Status Report –New Consumer Brochure**

Ms. Asplund said the brochure might be out within the next few months, once the final draft has been approved.

**c. Status Report – Sunset Review – Joint Legislative Sunset Review Committee**

Ms. Nielsen reports that the staff is currently working on the report, which is due by September 1, 2001. Ms. Nielsen has requested the board members to vote to adopt the draft and give the executive officer the authority to complete and file the final report with JLSR.

**MICHAEL ENG MOVED AND HOWARD MOFFET  
SECONDED TO ADOPT THE DRAFT SUNSET REVIEW  
REPORT AND GIVE THE EXECUTIVE OFFICER THE  
AUTHORITY TO COMPLETE AND FILE THE FINAL  
REPORT WITH THE JLSRC BY SEPTEMBER 1, 2001.**

**d. Final Report – 2001/2002 Budget Change Proposal – Occupational Analysis**

Ms. Nielsen indicated the Governor has signed the budget bill, which included approval for the funds to contract with the Office of Examination Resources to conduct an occupational analysis.

**e. Final Report –2000/2001 Closing Budget Report**

Ms. Nielsen reported our budget for the fiscal year 2000/2001 closed with a surplus, which it has for the past four years.

**f. 2002/2003 Budget Change Proposals – OA, Chinese Translator and OT, Enforcement**

Ms. Nielsen reported the BCPs for additional staff positions approved by the Board at the May 2001 meeting were completed and filed with DCA in June.

**g. Status Report – 2002 Legislative Proposals, B&P Code Sections 4935, 4938.2, 4955, 4955.1, 4955.2, 4960.5, and 4977.2**

Ms. Nielsen reported the May 2001 Board approved proposed enforcement legislative proposals for amendments to B&P Code Sections 4935, 4938.2, 4955, 4955.1, 4955.2, 4960.5 and 4977.2 were finalized and filed with DCA by August 1, 2001. In addition the proposals will be included in the Sunset Review Report to be filed with the JLSRC by September 1, 2001.

**h. Status Report – Legislation that May Impact the Board: SB341, SB577, AB208, AB269, & AB1444**

Ms. Nielsen reported that SB341, amending B&P Code Section 4937, was suspended and rescheduled for an August 21, 2001 hearing. SB577 was re-referred to B&P Committee on April 19, 2001. AB208, regarding sales tax exemption for herbs, was held under submission. AB269 in April was retained in Committee. AB1444's second reading was held in July, amended and re-referred Committee on Appropriations.

**9. PUBLIC COMMENT PERIOD:**

Ron Sokolsky, (SBU), requested the Board include the exam issue to the November meeting agenda. Neal Miller requested that Ephedra be put on the November meeting agenda, which relates to public safety. Tom Haines recommended the Board establish a reimbursement process for participants in the task force meeting. Mr. Haines suggested resolving the school approval process and to bring a commonality when working together with the state and ACAOM. Mr. Haines also expressed concern about the school site report by Lloyd Wright who stated the Colorado School should come up to California standards by teaching more western diagnosis. The task force will define the western diagnosis competencies. His concern was a school's focus should be on Oriental medical teaching not western diagnosis. Exam items need to continually be improved to raise the quality and integrity of exam.

**Adjournment**

**10. The Acupuncture Board meeting adjourned at approximately 5:10 p.m.**